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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000840

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TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: ILO DISMISSES FOUR FORCED LABOR CASES

REF: A) RANGOON 722 B) RANGOON 683

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d)

11. (C) Summary. For the first time since the ILO has been in Burma, the ILO and Burmese Government conducted joint investigations into four forced labor cases. ILO Liaison officer Steve Marshall, accompanied by Ministry of Labor officials, traveled to Southern Rakhine State August 27-30 to follow up on investigations previously conducted by local labor officials. Marshall freely and separately interviewed the complainants, met with local villagers involved in the cases, and held discussions with village and township chairmen to ascertain the facts. He concluded that no forced labor had occurred and subsequently closed the cases. The GOB continues to complain to Marshall that the NLD is using the ILO-GOB mechanism on forced labor to advance their political objectives. The ILO would like to depoliticize the mechanism and will begin negotiations with the GOB in October to renew and strengthen the forced labor agreement. End Summary.

Four Forced Labor Cases in Rakhine State Unfounded

12. (C) In July, the GOB concluded its investigation into four forced labor cases in Rakhine State, and informed the ILO that these cases did not constitute forced labor violations (Ref A). ILO Liaison Officer Steve Marshall, suspecting that the local labor officials fabricated its investigation, requested that the ILO and GOB conduct a joint investigation of the four cases. Marshall, accompanied by Ministry of Labor officials, traveled to Southern Rakhine State August 27-30 and met with the complainants, local villagers included in the complaint, and local officials. One complainant withdrew his case shortly after Marshall arrived, noting that after discussions with the monk that headed the project, he decided it was not forced labor but rather a "community volunteer project."

13. (C) The remaining cases alleged that members of eight villages were forced to work on three projects: building and

maintaining a road between the villages, expanding a pond for water collection, and constructing a health clinic. Marshall, accompanied only by an ILO translator, met with the complainants, the villagers involved in the complaint, as well as village and township chairmen. In all three cases, six of the village chairman presented the villagers with the projects and requested their assistance. In these villages, the chairmen accommodated the villagers by establishing a work schedule according to their availability. In the other two villages, villagers complained to Marshall that their chairmen did not consult with them and instead just provided them project assignments. When asked directly if the village chairmen forced them to work, the villagers acknowledged that these projects are community projects and they are expected to participate for community development. They could decide again not contributing. What they wanted, they claimed, was for the village chairs to ask for their assistance rather than take it for granted.

14. (C) After defining for the villagers what constitutes forced labor, Marshall met with the village and township chairmen, explained the villagers' concerns, and also provided them with information about forced labor. He conducted a training session with the chairmen, local police, and labor officials on the proper procedure for employment in community projects. He emphasized that although the projects benefit the community, officials could not force the villagers to work. If the situation arises again, he informed them, the government would hold the chairmen responsible for improper procedures.

15. (C) During the investigation, Marshall uncovered an

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active campaign to discredit the complainants, who are all NLD members. One was sentenced to 24 days in jail for alleged violent acts; one, a teacher, found that he no longer had any students; and the last, a lawyer, lost his clients. The GOB denied any role in the "indirect punishments," claiming that it was a community decision. Regarding the imprisonment of one NLD member, local police told Marshall that he was punished for assaulting another villager with a knife. Marshall noted the coincidence between the labor complaint and the arrest, and requested the transcripts of the case. The GOB promised to provide them, although Marshall is skeptical they will deliver.

16. (C) Marshall sent a letter to the Ministry of Labor on August 31, stating that given the lack of evidence, the ILO closed the four cases. He emphasized, however, that the GOB's earlier investigation into the cases yielded very different information, and he alleged that the GOB interviewed other people with the same names rather than the actual complainants. Future investigations, he asserted, must be conducted in a more professional manner.

Advancing Political Objectives

17. (C) Marshall informed Econoff that the GOB continues to complain that the NLD is using the ILO-GOB forced labor mechanism agreement to advance their political agendas. Su Su Nwe, who handles forced labor issues for the NLD, acknowledged to Marshall in early August that the NLD actively goes into communities and inquires about any forced labor practices. NLD officers provide would-be complainants with the proper forms, help fill them out, and deliver them to the ILO if the complainant is unable to travel. Su Su Nwe argued that people were not aware that forced labor was illegal, and the NLD sought to prevent the government's exploitation of the people.

18. (C) Marshall told us that while he agrees that there is some political influence in the reporting procedure, the government is to blame. The GOB does little to stop the

actual source of forced labor violations, and instead maintains repressive policies. The ILO must accept complaints because labor violations do occur, Marshall emphasized. He acknowledged that 90 percent of complaints he received have been facilitated by the NLD, including the four recently dismissed cases. The ILO attempts to depoliticize the process by vetting each case thoroughly before forwarding it to the government for action. While the government tends to drag its feet on NLD facilitated cases, for non-NLD cases, it has both responded to the complaints and punished people accordingly. Marshall commented that he has to walk a fine line -- not an agent for the NLD nor a puppet of the government. He expressed concern that continued NLD-driven complaints will disrupt the relationship between the ILO and the GOB.

Strengthening the Mechanism

¶9. (C) The ILO in October will begin negotiations with the GOB to extend the forced labor mechanism agreement. Marshall indicated his interest in strengthening the agreement. To prevent further politicization of the complaint process, the ILO will request the GOB permit the ILO to hire additional staff. These officials, Marshall said, would be able to go out into the field to collect complaints from victims rather than relying on facilitators. They would also be able to ascertain immediately the legitimacy of a case. Marshall also stated his intention to establish an independent network to manage the investigations, which would further depoliticize the process. We suggested that the ILO try to expand its operations into the conflict zones, where the military allegedly engages in forced labor activities. Marshall agreed, although he doubted the GOB would grant travel permission.

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Comment

¶10. (C) Marshall has begun to realize that while the mechanism is a step in the right direction, it does little to address the root cause of forced labor violations: government ordered projects with no provision of resources. The GOB has cooperated with the ILO to a certain degree, and punished village chairmen who have violated labor rights. These low-ranking officials are expendable, and the next chairman will likely end up committing forced labor violations as they try to fulfill mandates from above. The NLD has an important role to play in educating villagers about their rights to be protected against forced labor. Historically villagers have contributed their labor willingly to community projects. The military has distorted this tradition to make labor compulsory on demand; they are not interested in protecting rights so they offer no information about these rights. If the NLD does not, who will?

VILLAROSA